UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,597	03/21/2005	Olivier Trinchero	PF020121	8256

24498 7590 08/20/2008

Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON, NJ 08543

EXAMINER	
JIANG, YONG HANG	
ART UNIT	**PAPER NUMBER**
2612	

MAIL DATE	DELIVERY MODE
08/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,597	TRINCHERO ET AL.	
	Examiner	Art Unit	
	YONG HANG JIANG	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 5/28/2008 has been entered. Claims 1, 8, 12, and 16 are amended. Claims 1-18 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments with respect to the objection to the specification is persuasive, the objection is withdrawn in view of the amendment to the specification made on 3/21/2005.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said means" in the end on line 2 to the beginning of line 3; it is not explicitly clear what the applicant is referring to.

Comment [B1]: I would make this an objection in this instance. Suggest to the applicant how to corret. If we make it a rejection...that would be a new grounds of rejection and we wouldn't be able to make the OA Final.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-2, 5-9, 13-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US 4,825,200), and further in view of Pessina et al. (US 6,992,612).

Regarding claims 1, 5-8, 13-14, and 16, Evans et al. teach a reconfigurable remote control transmitter capable of controlling multiple electronic devices (See the Abstract and Col. 2, line 40 - Col. 3, line 16), the reconfigurable transmitter learns and stores codes of other remote control transmitters, and associates the learnt codes with the reconfigurable keys for later use (See Col. 6, lines 9-51); mode selection switches (18A and 18B) for selecting appliances are operated first to learn codes for a selected appliance in the learn mode, and the mode switches are operated again when in the run

mode to operate the selected appliance using the codes learnt (See Col. 11, line 47 - Col. 12, line 4).

Evans fails to disclose a special mode for operating different appliances at the same time; wherein the reconfigurable keys are configured to operate different appliances without the use of the mode selection switch to select individual appliances.

Pessina teaches a special method of remotely controlling multiple appliances continuously at the same time using a single remote control; the remote control in the method has specific buttons directly controlling specific appliances; buttons with labels 14-16 are directed to the remotely controlled draperies; buttons with labels 14b and 16 are directed to the remotely controlled lights. (See the Abstract, Figure 3B, and Col. 3, line 34 - Col. 4, line 19)

From the teachings of Pessina, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Evans et al. to include a special mode to be selected for operating different appliances at the same time; wherein the reconfigurable keys are configured to operate different appliances without the use of the mode selection switch to select individual appliances as taught by Pessina to operate different appliances more conveniently without the need to constantly change modes using the mode selection switch.

Regarding claims 2 and 9, the combination of Evans and Pessina discloses the structural elements of the claimed invention but fails to disclose the method comprises a step of commanding associations during the programming step prohibiting the programming of prohibited associations. However, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include the method comprises a step of commanding associations during the programming step prohibiting the programming of prohibited associations in order to prevent unwanted commands from being activated, thereby eliminating unnecessary hassle when operating in the special mode.

9. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. in view of Pessina et al., and further in view of Nakajima (US 5,949,151).

Regarding claims 3 and 10, the combination of Evans and Pessina did not specifically disclose an attempt to program a prohibited association triggers the transmission of an alert signal with visual or audible indication.

Nakajima teaches generating alarms when an unauthorized operation is detected. (See Col. 4, line 63 to Col. 5, line 4)

From the teachings of Nakajima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include an attempt to program a prohibited association triggers the transmission of an alert signal with visual or audible indication as taught by Nakajima to alert the user the operation is unauthorized.

10. Claims 4, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. in view of Pessina et al., and further in view of Stacy et al. (US 6,127,961).

Regarding claim 4, the combination of Evans and Pessina did not specifically disclose a step of displaying a visual identifier of an appliance, the visual identifier of an

appliance being displayed when the device is in the second mode and when a user activates a means of control associated with the appliance.

Stacy et al. disclose a method of using a programmable remote control having a step of displaying a visual identifier of an appliance (via plurality of LEDs 24, 26, 28, 30 and 32) being controlled, said step being triggered by a mode switch (14). (See Col. 2 line 9-30)

From the teachings of Stacy et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include a step of displaying a visual identifier of an appliance, the visual identifier of an appliance being displayed when the device is in the second mode and when a user activates a means of control associated with the appliance as taught by Stacy to tell which appliance is being controlled.

Regarding claims 11 and 12, the combination of Evans and Pessina did not specifically disclose the device comprises a means of display of an identifier of the appliance, said means being activated when a means of control associated with the appliance is activated and the means of display being integrated into the means of selection of an appliance.

Stacy et al. disclose a method of using a programmable remote control having a step of displaying a visual identifier of an appliance (via plurality of LEDs 24, 26, 28, 30 and 32) being controlled, said step being triggered by a mode switch (14). (See Col. 2 line 9-30)

From the teachings of Stacey et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include a means of display of an identifier of the appliance, said means being activated when a means of control associated with the appliance is activated as taught by Stacey et al. to tell which appliance is being controlled and the means of display is integrated into the means of selection of an appliance for easier identification of the means of selection visually.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. in view of Pessina et al., and further in view of Allport (US 6,104,334).

Regarding claim 15, the combination of Evans and Pessina did not specifically disclose the device comprises a touch screen display. Allport teaches a remote control to control various consumer appliances comprises a touch screen display (via touch screen 660, See Figure 18). From the teachings of Allport, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include a touch screen display to control the device more intuitively by utilizing a touch screen.

12. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. in view of Pessina et al., and further in view of Guyer (US 6,130,624).

Regarding claim 17, the combination of Evans and Pessina did not specifically disclose the means of selection of an appliance comprises a switch including as many positions as appliances to be commanded plus a position activating the programmed associations.

Guyer teaches a remote control device having buttons and a mode switch. The mode switch has multiple positions each position having a separate function. (See the Abstract and Col. 6, lines 29-39)

From the teachings of Guyer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include the means of selection of an appliance comprises a switch including as many positions as appliances to be commanded plus a position activating the programmed associations as taught by Guyer to utilize the multi-position switch for easy activation of various functions.

Regarding claim 18, the combination of Evans and Pessina did not specifically disclose the means of selection of a set of associations comprises a switch including as many positions as sets, the means of selecting sets being activated when the means of selection of an appliance is in the position activating the associations.

Guyer teaches a remote control device having buttons and a mode switch. The mode switch has multiple positions each position having a separate function. (See the Abstract and Col. 6, lines 29-39)

From the teachings of Guyer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Evans and Pessina to include the means of selection of a set of associations comprises a switch including as many positions as sets, the means of selecting sets being activated when the means of selection of an appliance is in the position activating the associations as

taught by Guyer to utilize multi-position switches for easy activation of various sets programmed.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG HANG JIANG whose telephone number is (571)270-3024. The examiner can normally be reached on M-F 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. J./
Examiner, Art Unit 2612

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612